

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are presented for the Examiner's consideration.

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of claims. Claims 4 and 12 are cancelled by amendment herein to obviate the objection as it pertains to these claims. Although claim 6 has been cancelled, its limitations have been incorporated into claim 1. Applicant respectfully traverses the objection as it may apply to claim 1 as presently amended. The claimed "further input multiplexer" is shown as item 11 in Figures 1 and 2 and is described as a "further multiplexer 11" in the specification on page 8, line 12 and one page 9, lines 4, 5 and 11.

Claims 1-2, 5, 7-10 and 13-17 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0223592 to Deruginsky et al. (hereinafter "Deruginsky"). Claim 1 has been amended to incorporate the limitations of dependent claim 6, thereby rendering the rejection moot as it pertains to claims 1, 2, 5, 7 and 8. Claim 6 has been cancelled. Claim 9 has been amended to incorporate the limitations of claim 14 and claim 14 has been cancelled by amendment. For the following reasons, the rejection is respectfully traversed as it pertains to claims 9, 10, 13 and 15-17.

Regarding amended claim 9, Deruginsky does not teach "analyzing the at least two analog input signals and detecting, for *each* of the at least two analog input signals, whether it comprises a relevant signal" as now required. Deruginsky discloses that under ordinary conditions a main signal from a microphone (108) is provided to the A/D converter (112). However, this signal is not analyzed to detect the presence of a relevant signal. Rather, the AUX input is checked to detect whether it carries a control signal. If an auxiliary analog input carries

a control signal, its signal is selected instead of the microphone signal. The microphone signal itself is not considered (see e.g. paragraphs [0062] and [0064] and [0068]). Thus, Deruginsky only discloses analyzing one of the two input signals to detect the presence of a relevant signal, and does not teach analyzing *each* analog input signal, as required by claim 9.

Further, regarding claim 9, Deruginsky does not teach “providing a single detection circuit through a further input multiplexer alternately with each of the at least two analog input signals,” as required.

For all of the above reasons, every limitation of claim 9 is not taught by the cited reference as required. Therefore, claim 9 and its dependent claims 10, 11, 13 and 15-17 are not anticipated by Deruginsky and the rejection should be withdrawn.

Claims 3, 4, 6, 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Deruginsky. As mentioned above, claim 6 has been cancelled and its limitations incorporated into claim 1. For the following reasons, the rejection is respectfully traversed as it applies to claims 1, 3, 4, 11 and 12.

Regarding amended claims 1 and 9, Deruginsky does not teach, suggest or otherwise render obvious “providing a single detection circuit through a further input multiplexer alternately with each of the at least two analog input signals,” as required. As admitted by the examiner in the first Office action, Deruginsky does not disclose a further input multiplexer. Furthermore, Deruginsky does not disclose the structural context in which the further input multiplexer would be embedded, i.e. being alternately connected to analog input signals and feeding them to a signal detection means.

Further, Deruginsky does not address the issue of detecting whether a particular signal comprises a relevant signal for further processing. According to Deruginsky, the selection of the signal source in the hearing aid is done by means of the switch 51 (see [0064]). Thus, no analysis

of an input signal takes place for selecting the signal, the signal source is simply selected by operating a switch. Analyzing signals and detecting the presence of a relevant signal for further processing, although not mentioned in Deruginsky, must be presumed to take place in the units that generate the auxiliary analog input signals (see [0068]), since these units then provide a DC control signal for controlling the switch to select one of the auxiliary signals. Therefore, if someone skilled in the art would provide an additional input multiplexer, as suggested by the examiner with regard to claim 6 (now incorporated in claims 1 and 9), this modification would not make sense in the structure of the Deruginsky device: There is no need for a further multiplexer for providing a single detection circuit, since each auxiliary input device already has its own detection circuit (or only a switch).

If a further multiplexer were provided (although there is no suggestion or other reason why this should be done), then the Deruginsky switch would have to be modified in order to be controlled by the output of the further multiplexer and the single detection circuit (which is fed by the further multiplexer). Deruginsky gives no indication of how such a modification should be effected. Therefore, simply adding a further multiplexer does not lead to a working system. In consequence, it would not have been obvious to one of ordinary skill in the art at the time the present invention was made to modify Deruginsky to result in the invention according to claims 1 and 9.

For the above reasons, claims 1 and 9 are nonobvious over Deruginsky and is therefore patentable over the prior art of record. Respective dependent claims 2, 3, 5, 7, 8, 11 and 12 are also patentable for the same reasons.

Appl. No. 10/801,785  
Amdt. dated July 19, 2007  
Reply to Office action of March 19, 2007

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36550.

Respectfully submitted,  
PEARNE & GORDON LLP

By: /Aaron A. Fishman/  
Aaron A. Fishman, Reg. No. 44682

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

July 19, 2007